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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,966	11/07/2001	Ignacio Sanz-Pastor	22503-05565	3416

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FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

EXAMINER	
LASTRA, DANIEL	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/007,966	SANZ-PASTOR ET AL.	
	Examiner	Art Unit	
	DANIEL LASTRA	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 December 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-64* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-64* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-64 have been examined. Application 10/007,966 (INTERACTIVE ADVERTISING WITH AN AUTOMATED VIEWING REWARD SYSTEM) has a filing date 11/07/2001 and Claims Priority from Provisional Application 60247473 (11/08/2000).

Response to Amendment

2. In response to Final Rejection filed 06/19/2007, the Applicant filed an RCE on 12/19/2007, which amended claims 1, 22, 37 and 50.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 5, 9-11, 13, 15-17, 22-24, 27-29, 31, 37-40, 42-44, 46, 50, 51, 53, 54, 58-60, 62 and 64 are rejected under 35 U.S.C. 102(b) as being anticipated by DeLuca (US 5,870,030).

Claims 1, 22, 37 and 50 DeLuca teaches:

A method for providing interactive advertising comprising:

providing programming to a user, wherein the programming includes content and advertisements (see col 7, lines 40-67), *each advertisement having an associated value* (see col 8, lines 5-20);

permitting the user to select which of the advertisements are to be played (see col 11, lines 3-25); and awarding *the associated* value to the user *for each* of the advertisements that are played (see col 8, lines 6-40).

Claims 2, 23, 38 and 51 DeLuca teaches:

wherein providing programming to a user comprises: providing the programming in response to a request from the user for the content contained in the programming (see col 9, lines 20-30).

Claims 4, 24, 39 and 53 DeLuca teaches:

wherein providing programming to a user comprises: transmitting the content to the user via a computer network (see col 7, lines 60-67).

Claims 5, 40 and 54 DeLuca teaches:

wherein providing programming to a user comprises: combining the content and the advertisements into a single programming stream and transmitting the single programming stream to the user via a computer network (see col 7, lines 60-67).

Claims 9, 27, 42 and 58 DeLuca teaches:

advertisements are associated with credit amounts usable against fees paid by the user for the content (see paragraphs 64-65); and

the value awarded to the user includes the credit amounts associated with the advertisements that are played (see paragraph 161).

Claims 10, 28, 43 and 59 DeLuca teaches:

wherein permitting the user to select which of the advertisements are to be played comprises:

permitting the user to indicate a desire to skip an advertisement, wherein advertisements (see col 11, lines 5-25)

are played unless the user indicates a desire to skip the advertisement (see col 11, lines 5-25).

Claims 11, 29, 44 and 60 DeLuca teaches:

wherein permitting the user to select which of the advertisements are to be played comprises:

permitting the user to indicate a desire to play an advertisement, wherein the advertisements are skipped unless the user indicates a desire to play the advertisement (see col 11, lines 5-25).

Claims 13, 31 and 62 DeLuca teaches:

wherein the value awarded to the user depends on the manner in which the advertisements are played (see col 11, lines 20-25).

Claims 15 and 64 DeLuca teaches:

wherein the value awarded to the user depends on how much of the advertisement is played (see col 11, lines 20-25).

Claim 16, DeLuca teaches:

further comprising: limiting the value awarded to the user (see figure 6).

Claims 17 and 46, DeLuca teaches:

collecting statistics on which advertisements are selected by the user (see col 10, lines 20-30).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 6-8, 12, 14, 18-21, 25, 26, 30, 32-36, 41, 45, 47-49, 52, 55-57, 61 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLuca (US 5,870,030) in view of Jacobs (US 2001/0044741).

Claims 3 and 52, DeLuca does not teach:

wherein providing programming to a user comprises: distributing a physical medium to the user, the physical medium containing the content. However, Jacobs teaches that it is old and well known in the promotion art at the time the application was made, to provide CDRom to users containing contents (see paragraph 32 "CD-ROM"). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the DeLuca's system would add the Jacobs' system programming playlist as the Jacobs' system is equally applicable to portable devices receiving stock quotations via a wireless network (see Jacob paragraph 60).

Claims 6 and 55, DeLuca fails to teach:

wherein providing programming to a user comprises: combining the content and the advertisements into a single programming stream; and transmitting the single programming stream to a game console via a computer network. However, Jacobs teaches a system that transmits content and advertisement content into a single

programming stream to a video console (see paragraph 32 "video games consoles"). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that the DeLuca's system would add the Jacobs' system programming playlist as the Jacobs' system is equally applicable to portable devices receiving stock quotations via a wireless network (see Jacob paragraph 60).

Claims 7 and 56, DeLuca fails to teach:

wherein providing programming to a user comprises: providing the content to the user via a first type of infrastructure and providing the advertisements to the user via a different type of infrastructure. However, Jacobs teaches a system that provides content and advertisements via different communication links (see paragraph 25). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know to DeLuca concept of crediting users for viewing ads would be implemented in the Jacobs' system as the Jacobs system is equally applicable to portable devices receiving stock quotations via a wireless network (see Jacob paragraph 60).

Claims 8, 25, 26, 41 and 57, DeLuca does not teach:

providing programming to a user comprises:

combining the content and the advertisements into a single programming stream, the single programming stream including blocks of content separated by blocks of advertisements, and providing the single programming stream to the user; each block of advertisements being associated with a monetary amount and the value awarded to the user including the monetary amounts associated with the blocks of advertisements that

are played. However, Jacobs teaches providing content and advertisements to users where the cost of viewing said content is subsidized by the viewing of said advertisements (see paragraphs 160-161). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know to DeLuca concept of crediting users for viewing ads would be implemented in the Jacobs' system as the Jacobs system is equally applicable to portable devices receiving stock quotations via a wireless network (see Jacob paragraph 60).

Claims 12, 30, 45 and 61 DeLuca does not expressly teach:

wherein permitting the user to select which of the advertisements are to be played comprises: permitting the user to define criteria for selecting which of the advertisements are to be played, wherein an advertisement is played or skipped according to the defined criteria. However, Jacobs teaches in paragraph 12; figure 5B; paragraph 76 allowing users to "customize or modified the ads you see", allows users to hide ads from view"; paragraph 160 "the user may deletes ads or play lists (or both) from, for example, his/her computer on a random or periodic basis". Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know to DeLuca concept of crediting users for viewing ads would be implemented in the Jacobs' system as the Jacobs system is equally applicable to portable devices receiving stock quotations via a wireless network (see Jacob paragraph 60).

Claims 14 and 63, DeLuca does not expressly teach:

wherein the value awarded to the user depends on a time of day when the advertisement is played. However, Jacobs teaches an advertiser-subsidized system where the system subsidizes content based upon the time of day when the advertisement is played (see paragraph 139). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know to DeLuca concept of crediting users for viewing ads would be implemented in the Jacobs' system as the Jacobs system is equally applicable to portable devices receiving stock quotations via a wireless network (see Jacob paragraph 60).

Claims 18, 33 and 47 DeLuca fails to teach:

targeting the advertisements provided to the user based on the statistics collected for the user. However, Jacobs teaches targeting ads to users based upon statistics collected for the user (see paragraph 130-131; 142). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that DeLuca would target ads to users based upon statistics collected from said users, as Jacobs teaches that it is old and well known to do so.

Claims 19, 34 and 48 DeLuca fails to teach:

clustering the user into a group of users according to the statistics collected for the user and targeting the advertisements provided to the user based on the group into which the user is clustered. However, Jacobs teaches targeting ads to users based upon statistics collected for the user (see paragraph 130-131; 142, 171). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that DeLuca would target ads to users based upon

statistics collected from said users, as Jacobs teaches that it is old and well known to do so.

Claims 20, 35 and 49, DeLuca fails to teach:

clustering the user into a demographic group according to the statistics collected for the user and targeting the advertisements provided to the user based on the demographic group into which the user is clustered. However, Jacobs teaches targeting ads to users based upon statistics collected for the user (see paragraph 130-131; 142, 171). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that DeLuca would target ads to users based upon statistics collected from said users, as Jacobs teaches that it is old and well known to do so.

Claims 21, 32 and 36, DeLuca fails to teach:

the value awarded to the user depends on a relationship between the advertisements played and the statistics collected. However, Jacobs teaches a system that award value to a user based upon said user's playlist (see paragraph 65, 130-131 "playlist request information"). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know to DeLuca concept of crediting users for viewing ads would be implemented in the Jacobs' system as the Jacobs system is equally applicable to portable devices receiving stock quotations via a wireless network (see Jacob paragraph 60).

Response to Arguments

5. Applicant's arguments with respect to claims 1-64 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/
Art Unit 3622
February 28, 2008